

**Thursday, July 29, 2010 (at 12:30 P.M.).**

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

*Messages from the Governor.*

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the special town election held in the town of Wenham on December 17, 2009 (House, No. 4948) was filed in the office of the Clerk on Wednesday, July 28.

Wenham,—  
validate  
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Election Laws. Sent to the Senate for concurrence.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the city of Gardner to convey certain land under the control of the Gardner conservation commission (House, No. 4949) was filed in the office of the Clerk on Wednesday, July 28.

Gardner,—  
land.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Municipalities and Regional Government. Sent to the Senate for concurrence.

Subsequently Mr. Donato of Medford, on the foregoing message, reported a Bill authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (printed in House, No. 4949). Read; and referred, under Rule 33, to the committee on Ways and Means.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at an annual town meeting held in the town of Essex (House, No. 4950), was filed in the office of the Clerk on Wednesday, July 28.

Essex,—  
validate acts.

The message was read; and it was referred, under Rule 30, with the accompanying draft of bill to the committee on the Municipalities and Regional Government. Sent to the Senate for concurrence.

*Resolutions.*

Resolutions (filed by Messrs. Golden of Lowell, Nangle of Lowell and Murphy of Lowell) honoring Arthur D. Sutcliffe for his seventeen years of volunteer service to the Greater Merrimack Valley Communities, were referred, under Rule 85, to the committee on Rules:

Arthur D.  
Sutcliffe.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Golden, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Orders.*

The following orders (filed of Mr. Binienda of Worcester) were adopted:

*Ordered*, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Dempsey of Haverhill, Reinstein of Revere and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619).

Gaming  
conferees,—  
voting.

*Ordered*, That, notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives O’Flaherty of Chelsea, Speranzo of Pittsfield and Frost of Auburn during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill reforming the administrative procedures relative to criminal offender record information and pre- and post-trial supervised release (Senate, No. 2220).

Criminal  
offender  
record  
conferees,—  
voting.

*Ordered*, That, Notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for Representatives Mariano of Quincy, Walsh of Lynn and Barrows of Mansfield during their deliberations in meetings of the committee of conference on the disagreeing votes of the two branches with reference to the House amendment of the Senate Bill to promote cost containment, transparency and efficiency in the provision of quality health insurance for individuals and small businesses (Senate No. 2447).

Health  
insurance  
conferees,—  
voting

*Papers from the Senate.*

The Senate Bill authorizing governmental bodies to enter into contracts for the inspection, maintenance, repair or modification of water storage facilities (Senate, No. 2449, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4881) with a further amendment in proposed section 64, adding the following subsection:

Water storage  
facilities,—  
inspections.

“(c) All subcontractors under the offeror shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice-to-journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.”.

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the further amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its further amendment with a still further amendment by striking out subsection (c) (inserted by amendment by the Senate) and inserting in place thereof the following subsection:

“(c) All subcontractors under the offeror employing 10 or more persons to

perform services under a contract awarded pursuant to section 65 shall maintain and participate in a bona fide apprentice training program as prescribed in sections 11H and 11I of chapter 23 for each trade or occupation with an apprentice training program and approved by the division of apprentice training in the department of labor and workforce development and shall abide by the apprentice to journeyman ratio for each such trade as prescribed in said chapter 23 while in the performance of the contract.”.

The still further amendment was adopted. Sent to the Senate for concurrence in the still further amendment.

The House Bill establishing the Massachusetts food policy council (House, No. 4568) came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, striking out the figures “15” and inserting in place thereof the figures “17”; in line 15, striking out the figure “5” and inserting in place thereof the figure “7”; in line 18, after the word “nutrition”, inserting the following “1 of whom shall be an expert in food safety, 1 of whom shall be an expert in food processing and handling”; and, in line 25, striking out the words “department shall provide administrative support to the council as requested” and inserting in place thereof the words “council may request administrative support from the department”.

Food policy council.

Under suspension of Rule 35, on motion of Mr. Murphy of Burlington, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill relative to the pooling of tips (House, No. 4814) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2576.

Tips,—  
pooling.

Under suspension of Rule 35, on motion of Ms. Forry of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

#### Bills

Relative to uniform wage compliance and recordkeeping (Senate, No. 678, amended by inserting after section 1 (as changed by the Senate committee on Bills in the Third Reading) the following section:

Wages,—  
uniformity and  
recordkeeping.

“SECTION 1A. Chapter 149 of the General Laws is hereby amended by inserting after section 147H the following section:—

Section 147I. (a) An individual whose work is performed solely in the individual’s place of residence shall be exempt from the requirements of clause (2) of subsection (a) of section 148B of chapter 149, but not clause (1) or clause (3) of said subsection (a) of said section 148B of said chapter 149. This section does not apply to other persons who work with or for the individual.

(b) The exception provided in subsection (a) shall not apply to an individual who has been coerced, threatened or intimidated into establishing an independent business nor shall it apply to individuals who telecommute or work remotely from home.

(c) Each individual seeking this exemption shall register with the state secretary and such registration shall be issued without a fee. The registration shall include, but not be limited to, the following information: (i) name of the individual

seeking the exemption; (ii) the nature of the independently established business; (iii) the address of the residence at which the work is performed; and (iv) proof that the address listed is the applicant's legal residence. The state secretary shall issue regulations necessary to ensure registration under this section. The application for registration shall be typewritten, printed or in such other form as the state secretary shall prescribe. The application for registration shall be executed by the individual seeking the exemption. The registration shall be renewed every 3 years.”) (on a petition);

Regulating notaries public to protect consumers (Senate, No. 1845, amended by striking out section 4; and in section 5, in lines 291 to 314, inclusive, striking out the text contained therein and insert in place thereof the following:

Notaries  
public.

“Section 18A (a) The attorney general or district attorney may prosecute any person committing a violation under this chapter. Any person convicted of committing such violation shall be punished for a first offense by a fine of not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 6 months, or by both such fine and imprisonment, and for subsequent offenses by a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than one year, or by both such fine and imprisonment. The attorney general or district attorney may file a petition for injunctive relief against any person who violates this chapter. If the attorney general, district attorney or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general, district attorney or the state secretary shall provide notice to the governor of such official misconduct. Any conviction based on a violation of this chapter shall be grounds for the revocation of a notary’s appointment. If the court finds that a person so convicted either knew or should have known his conduct to be in violation of this chapter, the court may require such person to pay to the commonwealth a civil penalty of not more than \$5,000 for each such violation and also may require the person to pay the reasonable costs of investigation and litigation of such violation, including reasonable attorneys’ fees.

(b) A person having an interest or right that is or may be adversely affected by a violation of section 18 may initiate an action for private remedies and, if the attorney general or district attorney has not done so, for injunctive relief. Such person may be awarded actual damages and, if the court finds that person against whom the action is brought either knew or should have known his conduct to be in violation of section 18, punitive damages of not more than \$5,000 per violation, and attorney’s fees and court costs.

(c) A violation of section 18 shall constitute an unfair and deceptive act or practice pursuant to chapter 93A.

(d) It shall not be a defense in an action under this section that the conduct that is the subject of the action, in whole or in part, occurred primarily or substantially outside the commonwealth.”; and in section 5, in line 396, by striking out the date “July 1, 2009” and inserting in place thereof the following date “July 1, 2011”) (on a petition); and

Relative to street list (Senate, No. 2574) (on Senate bill No. 332);

Street lists.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to the appointment of executive secretaries and town managers

Town  
managers.

(Senate, No. 793) (on a petition);

Relative to the prevention of falls in the elderly community (Senate, No. 2240) (on Senate, No. 317);

Relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474) (on a petition) [Local Approval Received]; and

Designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (Senate, No. 2528) (on a petition);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Elderly,—  
falls.

Rockland,—  
Memorial Park.

Mansfield,—  
Weddleton  
Bridge.

*Reports of Committees.*

By Mr. Finegold of Andover, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate further amendments to the House amendment of the Senate Bill relative to comprehensive siting reform for land based wind projects (Senate, No. 2260), recommending passage of a bill with the same title (House, No. 4955). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Land based  
wind projects.

Mr. Kafka of Sharon, for the committee on Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question being on acceptance.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rules 12 and 9 be suspended on the joint petition of James J. O'Day and Harriette L. Chandler for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the town of West Boylston. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

West Boylston,—  
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to a lien for architects, engineers, land surveyors, and site professionals (Senate, No. 2512, amended) ought to pass with amendments by inserting after section 1 the following section:

Architects,—  
liens.

“SECTION 1A. Said section 2A of said chapter 254, as so appearing, is hereby further amended by striking out, in line 9, the word ‘two’ and inserting in place thereof the words:— 2, 2C and 2D.”; and in section 2, in line 72, by striking out the word “prime”.

By the same member, for the same committee, that the Bill increasing the experience and background necessary to operate low pressure processed steam boilers (House, No. 4558) ought to pass with an amendment substituting a bill with the same title (House, No. 4952).

Steam  
boilers.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendments pending.

By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the placement of a certain question on the ballot to be used at the

Gardner,—  
snow removal.

2010 biennial state election in the city of Gardner (House, No. 4897) [Local Approval Received].

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, under the provisions of Joint Rule 3A, a Committee Bill improving lobster laws (House, No. 4951).

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill relative to the appointment of retired police officers in the town of Whitman (House, No. 4854) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill exempting employees of the department of public works in the town of Acushnet from the civil service law (House, No. 4939) [Local Approval Received].

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill relative to quarterly tax billing in the town of Belmont (House, No. 4901) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the following bills ought to pass:

Relative to compliance with reserve requirements of life insurers (Senate, No. 2542);

Clarify recording requirements at registries of deeds (Senate, No. 2549); and

Further regulating debt collection (Senate, No. 2557);

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Recess.*

At twenty-five minutes before one o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before one o'clock; and at that time the House was called to order with the Speaker in the Chair.

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*Joint Session of the Two Houses to Consider  
Specific Legislative Amendments to the Constitution.*

At one o'clock P.M., the two Houses met in

**JOINT SESSION**

and were called to order by the Honorable Stanley C. Rosenberg.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at one minute past one o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

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Lobster pots,—  
marking.

Whitman,—  
retired police.

Acushnet,—  
public works.

Belmont,—  
tax billing.

Life insurers,—  
reserves.

Deeds.

Debt collection.

Recess.

Joint Session.



*Engrossed Bills.*

Mr. Donato of Medford being in the Chair,—

Engrossed bills

Establishing a linkage exaction program in the city of Gloucester (see Senate, No. 100);

Exempting the position of chief of police in the town of Great Barrington from the civil service law (see Senate, No. 2332); and

Relative to certain temporary registrations and volunteer dentistry (see Senate, No. 2567);

(Which severally originated in the Senate); and

Establishing the Essex county commission on the status of women (see House, No. 3410) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Bills  
enacted.

*Recess.*

At a quarter after one o'clock P.M. (Thursday, July 29), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

*Guests of the House.*

The Speaker then took the Chair and welcomed distinguished guests representing the Boston Pops, which is celebrating the one hundred twenty-fifth anniversary of performing for audiences throughout the world. Mr. Keenan of Salem then took the Chair and read resolutions previously adopted by the House honoring the anniversary. After remarks by Mr. Keenan, Ms. Fox of Boston and Mr. Pignatelli of Lenox, Mr. Pignatelli introduced Mr. Mark Volpe, Managing Director, who addressed the House briefly. The Speaker then returned to the Chair and introduced Keith Lockhart, Conductor, who also addressed the House briefly. Accompanying Mr. Lockhart and Mr. Volpe were Mr. Lockhart's wife and two children, as well as Dennis Alves, Director of Artistic Planning and Ryan Losey of government relations. They were the guests of the Speaker and Representatives Keenan, Fox and Pignatelli.

Boston Pops,—  
Keith Lockhart.

*Recess.*

At twenty-eight minutes after two o'clock P.M. (Thursday, July 29), on motion of Mr. Vallee of Franklin (the Speaker being in the Chair), the House recessed until the hour of three o'clock; and at that time the House was called to order with Mr. Donato in the Chair.

Recess.

*Emergency Measures.*

The engrossed Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (see Senate, No. 2344, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Motorcycles,—  
safety.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 42 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill  
enacted.

The engrossed Bill relative to the qualifications, service and salary of county managers (see House, No. 1993), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

County  
managers.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 31 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill  
enacted.

The engrossed Bill establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (see House, No. 4717), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Susan  
Spera,—  
sick leave  
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 20 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and Senate to the Senate.

Bill  
enacted.

The engrossed Bill authorizing certain development in the Fort Point Channel in the city of Boston (see Senate, No. 2376, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Boston,—  
Fort Point  
Channel.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 26 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 464.



**UNCORRECTED PROOF**

**[See Yea and Nay No. 464 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

*Engrossed Bills – Land Takings.*

The engrossed Bill relative to a transfer of land in the town of Plymouth (see House, No. 4264, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 465 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Cohasset to grant certain interests in land acquired for conservation, open space and water protection purposes (see House, No. 4322) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 466 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill making a technical correction in a special act relative to certain land in the town of Sherborn (see House bill printed in House, No. 4614) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 467 in Supplement.]**

Therefore the bill was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorized the town of Westford to lease a certain parcel of land for camp purposes (see House, No. 4662, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final

Plymouth,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 465.

Cohasset,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 466.

Sherborn,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 467.

Westford,—  
land.

passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 468 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the Boston parks and recreation commission to lease certain real property (see House, No. 4663) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 469 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (see House, No. 4766, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 470 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (see House, No. 4844) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 471 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted  
(land taking),—  
yea and nay  
No. 468.

Boston,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 469.

Winthrop,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 470.

Cohasset,—  
land.

Bill enacted  
(land taking),—  
yea and nay  
No. 471.

The engrossed Bill authorizing the city of Beverly to convey certain land located in the city of Beverly (see House, No. 4905) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Beverly,—  
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 472.

**[See Yea and Nay No. 472 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Reports of Committees.*

Mr. Vallee of Franklin being in the Chair—

Mr. Murphy of Burlington, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4840), returning with his disapproval of certain items and sections and parts of certain items, and reductions in certain items, and also with recommendation of amendment of certain sections contained in the engrossed Bill making appropriations for the fiscal year 2011 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), reported, in part, that section 131 and item 1775-0100 (contained in section 2) stand (as passed by the General Court). Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General  
Appropriation  
Bill.

Mr. Kafka of Stoughton, for said committee reported, in each instance, that the matters be scheduled for consideration by the House. Under suspension of Rule 7A, in each instance, on motion of Mr. Murphy of Burlington, the reports were considered forthwith.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Vallee), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. Vallee of Franklin being in the Chair) 150 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 473.

**[See Yea and Nay No. 473 in Supplement.]**

Therefore a quorum was present.

Section 131 (continuation of cost shifts to state authorities), which had been disapproved by the Governor, was considered.

After debate on the question on passing said section, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 139 members voted in the affirmative and 15 in the negative.

Continuation of  
cost shifts to  
state authorities  
section 131  
stands,—  
yea and nay  
No. 474.

**[See Yea and Nay No. 474 in Supplement.]**

[Representative Guyer of Dalton answered “Present” in response to his name.]

Therefore section 131 passed, notwithstanding the action of the Governor

(more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Item 1775-0100 (contained in section 2) (Operational Services Division administration), which had been disapproved (in part) by the Governor was considered.

After debate on the question on passing said item, notwithstanding the action of the Governor, the sense of the House was taken by yeas and nays, as required by Chapter I, Section I, Article II of the Constitution; and on the roll call 133 members voted in the affirmative and 22 in the negative.

**[See Yea and Nay No. 475 in Supplement.]**

[Representative Guyer of Dalton answered “Present” in response to his name.]

Therefore item 1775-0100 passed, notwithstanding the action of the Governor (more than two-thirds of the members present and voting having voted in the affirmative). Sent to the Senate for its action.

Operational  
Services Division  
administration  
item 1775-0100  
stands,—  
yea and nay  
No. 475.

Mr. Donato of Medford being in the Chair,—

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill releasing certain land in the town of Brimfield from an agricultural preservation restriction (Senate, No. 2221) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Brimfield,—  
land.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Senate Bill relative to Class A controlled substances (Senate, No. 2222, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Drugs,—  
Class A  
substance.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to abandoned vessels (House, No. 4762) ought to pass with an amendment substituting therefore a bill with the same title (House, No. 4953). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Cabral of New Bedford, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Abandoned  
vessels.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to the certification of Hull public library (House, No. 4779) ought to pass with an amendment substituting therefore a bill with the same title (House, No.

Hull,—  
library.

4954). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Hingham to designate a check off box on its tax bills (House, No. 4714) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hingham,—  
tax bills.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill exempting the deputy chief of police in the town of Sharon from the provisions of civil service (House, No. 4853) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Sharon,—  
deputy  
police chief.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Cheryl A. Cole, an employee of the department of health and human services (House, No. 4921). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Cheryl A. Cole,—  
sick leave.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Christopher Lemoing, an employee of the Plymouth County Sheriff's Department (House, No. 4925). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Christopher  
Lemoing,—  
sick leave.

Mr. Kafka of Stoughton, for said committee, reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

*Engrossed Bill.*

Ms. L'Italien of Andover being in the Chair,—

The engrossed Bill relative to insurance coverage for autism (see House, No. 4935, amended) (which originated in the House), having been certified by the Clerk

Bill  
enacted.

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to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Motions to Discharge Certain Matters in the Orders of the Day.*

The Senate Bill further regulating above ground tanks used for the storage of certain fluids (Senate, No. 914), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Pedone of Worcester; and it was passed to be engrossed, in concurrence.

Storage tanks.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of the rules, in each instance, on motion of Mr. Pedone of Worcester:

Authorizing the city of North Adams to use reserve funds to reduce debt (House, No. 4851);

North Adams.

Relative to the Connecticut River rowing facility (House, No. 4930); and  
Safeguarding our natural resources (House, No. 4943).

Rowing facility.  
Natural resources.

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were discharged from their position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Pedone of Worcester:

Relative to the maximum storage charges on motor vehicles involuntarily towed (House, No. 4171);

Vehicle storage charges.

Authorizing the city of Boston to grant permanent volumetric easements related to vertical transportation improvements over certain parcels of land in the city of Boston (House, No. 4806);

Boston,—  
volumetric easements.

Relative to postpartum depression (House, No. 4859) (its title having been changed by the committee on Bills in the Third Reading); and

Postpartum depression.

Relative to the sale of wines at auctions (House, No. 4908) (its title having been changed by the committee on Bills in the Third Reading);

Auctions,—  
wine sales.

Severally were passed to be engrossed. Severally sent to the Senate for concurrence.

The following bills were discharged from their position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, in each instance, on motion of Mr. Kafka of Soughton:

Relative to school district regionalization (House, No. 4754); and

School districts.

Relative to bidding for public construction contracts (House, No. 4786);

Public contracts.

Severally were ordered to a third reading.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet the following

Next sitting.



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day at twelve o'clock noon.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-five minutes before seven o'clock P.M. (Thursday, July 29), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on the following day at twelve o'clock noon.